

REMARKS

Claims 10 and 12 have been finally rejected by the Examiner. Claim 10 has been amended to further clarify the apparatus of the invention and its advantageous structure and operation. Support for this amendment can be found in the specification at page 3, for example. Claims 10 and 12 are pending. No new matter has been added by way of the amendment made herein above.

Rejections under 35 U.S.C. §103:

Claims 10 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Zeiter et al. U.S. Patent No. 6,269,671 in view of Hoffman U.S. Patent No. 3,685,338. Applicant respectfully traverses this rejection for the following reasons.

The Examiner argues that Zeiter '671 teaches several features of Applicant's invention, but fails to disclose the pin having a concave surface, peripheral edge and indicia thereon. The Examiner relies upon Hoffman for a teaching of a stamp with a concave surface. The Examiner concludes that one of ordinary skill in the art would have found a modification of Zeiter '671 to incorporate a concave surface with a peripheral edge and indicia to have been obvious to form an embossed product.

Applicant's apparatus is specifically constructed to simultaneously create the blister and emboss its base in a single step as a result of a single advancement of the pin ("single pass process"). Support for this can be found on page 3 of the specification, for example. The structural features responsible for this phenomenon are set forth in the pending claims.

As to the apparatus taught in Zeiter et al. '671, Applicant's invention is an improvement over manufacturing apparatuses such as Zeiter '671. Applicant has discovered that the controllable stretching phenomenon of plastic films, the preservation of film layer integrity, the enhancement of more evenly distributed stretching, and physically embossing indicia can

simultaneously be accomplished in a single pass process when the apparatus includes the claimed concave pin face having a peripheral edge - in addition to the frusto-conical regions about the end of the pin such as that described in Zeiter '671. The Examiner is correct in that this structural feature and its associated advantages of the invention are absent from Zeiter '671.

However, one of ordinary skill in the art would *not* have found these features and associated advantages in the apparatus described in Hoffman. Applicant's invention is an apparatus for forming embossed blisters and blister packs from laminated plastic film. Applicant has amended independent claim 10 to clarify the film material relevant to the invention. To begin with, Hoffman pertains to the sheet metal industry as a context, and secondly is directed to the creation of a hem in metallic lids in the canning industry, for example. The apparatus of Hoffman is not a pin but a plate that includes raised regions and depressions for forming metals. The Hoffman apparatus does form hemmed lids – it does not form blisters. The Hoffman apparatus is simply not relevant to the field of Applicant's invention (or Zeiter's invention, for that matter). Furthermore, one of ordinary skill in the art would not view Hoffman sheet metal technology as being applicable or adoptable into an apparatus functioning to stretch plastic films. Clearly, no reasonable motivation to combine these references can be seen.

The Examiner has failed to present a combination of references that, alone or in combination, fairly teach or suggest Applicant's invention. Thus, the Examiner has failed to present references that can properly or adequately support a rejection based on obviousness grounds.

Given the above teachings, the claimed invention is not unpatentable over the Zeiter '671 and Hoffman references within the proper meaning of 35 U.S.C. §103. This rejection should, therefore, be withdrawn.

Claims 10 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Zeiter et al. U.S. Patent No. 5,879,612 in view of Haraga U.S. Patent No. 5,966,976. Applicant respectfully traverses this rejection for the following reasons.

The Examiner argues that Zeiter '612 teaches several features of Applicant's invention, but fails to disclose the pin having a concave surface, peripheral edge and indicia thereon. The Examiner relies upon Haraga for a teaching of a compression apparatus, alleging that the punch comprises a metal body with elastic tip and concave surface and peripheral edge. The Examiner concludes that one of ordinary skill in the art would have found modifying Zeiter to have a concave pin surface of Haraga to be obvious to increase surface contact and afford smooth compression.

Applicant's apparatus is specifically constructed to simultaneously create the blister and emboss its base in a single step as a result of a single advancement of the pin ("single pass process"). Support for this can be found on page 3 of the specification, for example. The structural features responsible for this phenomenon are set forth in the pending claims.

Again, the apparatus taught in Zeiter et al. '612, just as Zeiter '671 discussed above, share the same shortcomings. Applicant's invention is an improvement over manufacturing apparatuses such as Zeiter '612. Applicant has discovered that the controllable stretching phenomenon of plastic films, the preservation of film layer integrity, the enhancement of more evenly distributed stretching, and physically embossing indicia can simultaneously be accomplished in a single pass process when the apparatus includes the claimed concave pin face having a peripheral edge - in addition to the frusto-conical regions about the end of the pin such as that described in Zeiter '612. The Examiner is correct in that this structural feature and its associated advantages of the invention are absent from Zeiter '612.

Haraga pertains to a compress apparatus for shaping *metal plates* – which defines the relevant field and context of the Haraga disclosure. Haraga is not concerned with stretching laminated plastic films to form blisters.

The Examiner states that “the punch have a concave surface (Fig. 2, 5c) and a peripheral edge, in which the concave surface contacts the working blank to press the blank into the die cavity (3b).” This assertion by the Examiner is false. Turning to Figure 2 feature 5c in Haraga, a convex pin surface is clearly depicted in the figure. Likewise, a peripheral edge surrounding a concave surface as defined by Applicant’s invention would also be absent from Haraga.

These references, either alone or in combination, would not render Applicant’s invention obvious within the proper meaning of 35 U.S.C. §103. In fact, the combination of Haraga does nothing to bring the teachings of Zeiter ‘612 closer to the instant invention even when their respective features are combined. Therefore, one of ordinary skill could not have found motivation within Zeiter or Haraga to arrive at Applicant’s invention. The Examiner has failed to present a set of teachings that fairly teach or suggest the claimed invention.

Given the above, the claimed invention is not unpatentable over the Zeiter ‘612 and Haraga references within the proper meaning of 35 U.S.C. §103. This rejection should, therefore, be withdrawn.

Conclusion:

In light of the above amendments and the accompanying remarks, it is believed that the application is now in condition for allowance, and prompt notification to that effect is earnestly solicited. The Examiner is invited to contact the undersigned to discuss the application on the merits if it is believed that such discussion would expedite the prosecution.

Respectfully submitted,

Dated: 2/24/05



Andrew G. Rozycki, Reg. No. 36,406
Attorney for Applicants
Cardinal Health, Inc.
7000 Cardinal Place
Dublin, Ohio 43017
Tel. (614) 757-7413
Fax (614) 757-2243